

## **REMARKS**

### **I. Introduction**

Claims 13 to 29 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

As an initial matter, claim 24 has been amended herein without prejudice to correct a typographical error.

### **II. Rejection of Claims 13 to 15, 17 and 22 to 29 Under 35 U.S.C. § 102(e)**

Claims 13 to 15, 17 and 22 to 29 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2002/0099486 ("Nagao"). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claim 13 relates to an occupant protection system for a motor vehicle, comprising at least one crash sensor, an occupant protection device and a control unit. Claim 13 further recites the control unit adapted to ascertain the ignition signal as a function of a time average of the motion variable measured by the crash sensor over at least one first time interval.

Claim 25 relates to an occupant protection system for a motor vehicle, the motor vehicle including at least one crash sensor, comprising an occupant protection device and a control unit. Claim 25 further recites the control unit adapted to ascertain the ignition signal as a function of a time average of the motion variable measured by the crash sensor over at least one first time interval.

Claim 26 relates to a motor vehicle comprising an occupant protection system, including at least one crash sensor, an occupant protection device and a control unit. Claim 26 further recites the control unit adapted to ascertain the ignition signal as a function of a time average of the motion variable measured by the crash sensor over at least one first time interval.

Claim 27 relates to a method for operating an occupant protection system for a motor vehicle comprising ascertaining the ignition signal as a function of a time average of the measured motion variable over at least one first time interval.

The Office Action contends that Nagao discloses an occupant protection system including a crash sensor and an occupant protection device controllable via an ignition signal as a function of a time average of the motion variable measured by the crash sensor over at least one first time interval. Office Action at 2. The Office Action cites Nagao

at paragraphs [0044] and [0052] as describing this control of the occupant protection device. Office Action at 2. Specifically, the Office Action refers to the predetermined cycle time mentioned in Nagao. The predetermined cycle time does not, however, disclose ascertaining the ignition signal as a function of a time average of a motion variable. The predetermined cycle times in Nagao are used to periodically check the logical values of the output signals from sensors. Para. [0052]. No time average process is disclosed. On the contrary, Nagao merely describes checking the logical values of the sensor outputs periodically, as samples. Neither is the time average feature disclosed in the remaining paragraphs of Nagao. On the contrary, paragraph [0041] of Nagao describes an acceleration sensor that detects lateral acceleration and compares that value with a predetermined threshold, not considering any time average whatsoever. Nagao does not disclose, or even suggest, ascertaining an ignition signal as a function of a time average of a motion variable.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Nagao does not disclose, or even suggest, a control unit adapted to ascertain an ignition signal as a function of a time average of a motion variable measured by a crash sensor over at least one first time interval as presented in claims 13, 25 and 26. Furthermore, it is respectfully submitted that Nagao does not disclose, or even suggest, the method steps recited in claim 27.

In summary, it is respectfully submitted that Nagao does not anticipate claims 13, 25, 26 and 27.

As for claims 14, 15, 17 and 22 to 24, which ultimately depend from claim 13 and therefore include all of the features of claim 13, it is respectfully submitted that Nagao does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 13

As for claims 28 and 29, which depend from claim 27 and therefore include all of the features of claim 27, it is respectfully submitted that Nagao does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 27.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claims 16 and 18 to 21 Under 35 U.S.C. § 103(a)**

Claims 16 and 18 to 21 were rejected under 35 U.S.C § 103(a) as unpatentable over Nagao. It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claims 16 and 18 to 21 ultimately depend from claim 13 and therefore include all of the features of claim 16. As more fully set forth above, it is respectfully submitted that Nagao does not disclose, or even suggest, a control unit adapted to ascertain an ignition signal as a function of a time average of a motion variable measured by a crash sensor over at least one first time interval as presented in claim 13, from which claims 16 and 18 to 21 ultimately depend. As such, it is respectfully submitted that Nagao does not render unpatentable claims 16 and 18 to 21, which depend from claim 13.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By: /Clifford A. Ulrich/  
Clifford A. Ulrich  
Reg. No. 42,194

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**